

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 874

Introduced by Assembly Member Wolk

February 18, 2005

An act to add Chapter 5 (commencing with Section 3860) to Part 2 of Division 4 of the Fish and Game Code, relating to wildlife.

LEGISLATIVE COUNSEL'S DIGEST

AB 874, as amended, Wolk. Priority bird areas.

Existing law provides for the regulation by the Department of Fish and Game of the taking of various birds species, including prohibiting the taking of certain nongame birds. Existing law also provides for the preservation of certain bird species.

This bill would require the department to recognize priority bird areas, as defined, in the state and publish a list of these areas no later than ~~June 30, 2006~~ *January 1, 2007*. This bill would require the department to cooperate with the Department of Parks and Recreation, other state and local agencies, *specified joint ventures* and nongovernmental organizations to publicize the presence of each priority bird area and would require the department, no later than June 30, 2007, to report to the Legislature its recommendations for public outreach and education about priority bird areas, and the ways the Resources Agency may ~~integrate protection of priority bird areas into resource data and planning decisions~~ *increase incentives for voluntary conservation of priority bird habitat on private lands in the state*.

This bill would make legislative findings and declarations relating to bird species in California, and would express the legislature's intent to, *among other things*, officially recognize priority bird areas in California and to collaborate with nongovernmental organizations *and*

specified joint ventures to publicize and educate the public about those areas facilitate voluntary habitat protection on private lands. This bill would specify that its provisions would not be construed as creating new or additional regulatory burdens, or to add any new or additional constraints on hunting in the state.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 5 (commencing with Section 3860) is added to Part 2 of Division 4 of the Fish and Game Code, to read:

CHAPTER 5. PRIORITY BIRD AREAS

Article 1. General Provisions

3860. The Legislature finds and declares all of the following:

(a) California has a rich and unique variety of more than 600 bird species that are enjoyed by residents and visitors alike.

(b) California's bird population provides significant economic value from hunting, bird-watching and other recreation, crop propagation, rodent and insect control, and maintenance of ecosystem balance, and serves as an important indicator of ecosystem health.

(c) The United States Fish and Wildlife Service estimates that wildlife-related activities in California generate \$2.6 billion annually for the state's economy.

(d) California has a long and successful history of protecting bird species for the enjoyment and benefit of all Californians.

~~(e) Scientists have identified the 150 highest priority bird areas in California, using internationally accepted criteria and peer-reviewed data.~~

~~3861. It is the intent of the Legislature to officially recognize priority bird areas in California and to collaborate with nongovernmental organizations to publicize and educate the public about those areas.~~

~~3862. As used in this Chapter, "priority bird areas" are those areas identified by the National Audubon Society, using criteria developed by the American Bird Conservancy, Bird Life~~

~~International, and the National Audubon Society, to identify important bird areas globally. A “priority bird area” is defined as~~

(e) Working landscapes and voluntary conservation measures on privately owned lands preserve a significant amount of the bird habitat in California.

(f) The United States, Russia, Canada, Mexico, and Japan signed the Migratory Bird Treaty Act of 1918 to protect and conserve waterfowl and other migratory bird populations. In 1986, the United States and Canada signed the North American Waterfowl Management Plan, to which Mexico became a signatory in 1994. The plan created collaborative, public-private joint ventures to protect, restore, and enhance waterfowl and other migratory bird habitat. The Central Valley Joint Venture, San Francisco Bay Joint Venture, Sonora Joint Venture, Intermountain West Joint Venture, Pacific Coast Joint Venture, and Riparian Joint Venture are located wholly or partly in California for this purpose.

3861. It is the intent of the Legislature to do all of the following:

(a) Officially recognize priority bird areas in California.

(b) Encourage public-private partnerships to acquire, restore, and enhance bird habitat in California.

(c) Work with the joint ventures described in Section 3860, nongovernmental organizations, and willing landowners to facilitate voluntary habitat protection on private lands.

(d) Increase incentives for voluntary habitat protection on privately owned lands.

(e) Increase public education about priority bird areas in California.

3862. Nothing in this chapter shall be construed as creating new or additional regulatory burdens, or to add any new or additional constraints on hunting in the state.

3863. As used in this chapter, a “priority bird area” includes those areas identified by the department, any joint venture described in Section 3860, or criteria developed by the American Bird Conservancy, Bird Life International, and the National Audubon Society that define a priority bird area as an area that is less than 100,000 acres in size, that possesses a bird community that is distinct from the surrounding region, and satisfies at least one of the following criteria:

- 1 (a) Contains more than 10 percent of the California population
2 or 1 percent of the global population of a sensitive taxa.
3 (b) Is used by more than nine protected species as habitat.
4 (c) Contains more than 10,000 shore birds total on a single
5 day.
6 (d) Contains more than 5,000 waterfowl total on a single day.

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8 Article 2. Priority Bird Area Recognition
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10 3865. (a) The department shall officially recognize priority
11 bird areas in the state and publish a list of these areas no later
12 than ~~June 30, 2006~~ *January 1, 2007*.

13 ~~(b) In recognizing and publishing a list of priority bird areas,~~
14 ~~the department may use the identification of priority bird areas~~
15 ~~contained in the National Audubon Society's 2004 publication~~
16 ~~Important Bird Areas of California or it may develop its own list~~
17 ~~according to the criteria for priority bird areas specified in~~
18 ~~Section 3862.~~

19 ~~(c) The department may periodically update, and any person or~~
20 ~~entity may petition it to update, the officially recognized list of~~
21 ~~priority bird areas if additional areas are found to meet the~~
22 ~~criteria or if an existing area no longer meets the criteria. The~~
23 ~~department may periodically update, and any person or entity~~
24 ~~may petition it to update, the criteria specified in Section 3863~~
25 ~~for priority bird areas.~~

26 ~~(d) The department shall consult with joint ventures described~~
27 ~~in Section 3860 in identifying and recognizing a priority bird~~
28 ~~area.~~

29 3866. The department shall cooperate with the Department of
30 Parks and Recreation, other state and local agencies, *joint*
31 *ventures described in Section 3860*, and nongovernmental
32 organizations to publicize the presence of each priority bird area.
33 Publication may include ~~allowing signs and placards listing the~~
34 ~~information on the department's Web site, signs and placards on~~
35 ~~state lands and signs and placards on private lands with the~~
36 ~~permission of private landowners~~ announcing the boundary of a
37 priority bird area, making written materials about a priority bird
38 area available to the public, and any other means of informing
39 the public about a priority bird area.

1 3867. No later than June 30, 2007, the department shall report
2 to the Legislature its recommendations for public outreach and
3 education about priority bird areas, and the ways the Resources
4 Agency may ~~integrate protection of priority bird areas into~~
5 ~~resource data and planning decisions.~~ *increase incentives for*
6 *voluntary conservation of priority bird habitat on private lands*
7 *in California.*

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10 CORRECTIONS:

11 Text — Pages 3 and 4.
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